Supreme Court of the United States

OCTOBER TERM, 1973

No. 72-1454

JOSEPH ANTHONY DAVIS,

Petitioner,

—v.—

UNITED STATES OF AMERICA,

Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

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Chronological List of Relevant Docket Entries

1969

Jan. 22 Filed indictment

Mar. 17 Defendant pleads not guilty

Oct. 16 Defendant found guilty after trial by jury

Nov. 19 Defendant sentenced under Federal Youth Correction Act pursuant to 18 U.S.C. §§5010(b) and 5017(c)

Nov. 19 Filed notice of appeal

1970

Dec. 8 Received from Court of Appeals copy of judgment of Court of Appeals [entered November 9, 1970] [*Davis I*] remanding to District Court for further proceedings in accordance with Court of Appeals opinion

1971

Feb. 2 Remand hearing conducted before District Court and Court makes oral findings of fact and conclusions of law, and denies motion of defendant for judgment of acquittal on remand

Mar. 16 District Court enters findings of fact and conclusions of law and order affirming judgment of conviction heretofore entered, and directs that findings of fact, conclusions of law and order be transmitted to Court of Appeals for Ninth Circuit

1971

Aug. 16 Received from Court of Appeals copy of judgment of Court of Appeals [entered August 12, 1971] [*Davis II*] affirming judgment of District Court

Sept. 13 [This item does not appear in clerk's docket entries.] Court of Appeals entered order denying petition for rehearing and rejecting suggestion for rehearing *en banc*

Oct. 5 Order entered by District Court remanding defendant to custody and commitment pursuant to prior judgment and commitment

Dec. 1 Filed order by Mr. Justice Douglas, as Circuit Justice of Ninth Circuit, setting bail pending *certiorari* at $20,500, and certain other conditions

1972

Jan. 12 Filed order of Mr. Justice Douglas modifying amount of bond pending *certiorari* from $20,500 to $10,000, other conditions on bond to remain the same

May 31 Received from Court of Appeals copy of Supreme Court order [entered February 22, 1972] denying petition for writ of *certiorari* and copy of order of Court of Appeals denying petition for rehearing

June 5 Filed order from Court of Appeals [entered May 22, 1972] denying motion for extension of time in which to file out of time petition for rehearing with suggestion for rehearing *en banc* and tendering petition for rehearing *en banc*

1972

June 5 Mandates and judgment of Supreme Court and Court of Appeals filed and spread on record; defendant's motions pursuant to 28 U.S.C. §2255 and for reduction of sentence under Rule 35 filed and denied; defendant ordered committed to custody

July 10 Hearing on renewed motion for reduction of sentence pursuant to Rule 35; motion granted in part and modified judgment filed

1973

Jan. 18 Received from Court of Appeals copy of judgment of Court of Appeals [entered December 26, 1972] [*Davis III*] affirming judgment of District Court denying motion pursuant to 28 U.S.C. §2255

Nov. 13 Received from Supreme Court copy of order of Supreme Court [entered November 5, 1973] granting petition for *certiorari*

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

No. 26415

UNITED STATES OF AMERICA,

Plaintiff and Appellee,

v.

JOSEPH ANTHONY DAVIS,

Appellant.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA; A. ANDREW HAUK, JUDGE

(November 9, 1970)

First Court of Appeals Opinion, 432 F.2d 1009 (Davis I)

Included in Petition for Certiorari at 1a.

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

No. 3207-AAH-CD

On Appeal: No. 26415

UNITED STATES OF AMERICA,

Plaintiff,

—v.—

JOSEPH ANTHONY DAVIS,

Defendant.

(February 2, 1971)

Extract From Testimony Before District Court on Remand Hearing by Local Board Secretary, Miss Ruth P. Krisinger, pages 49-51

[49] *By Mr. Kallen*:

Q. Has it been your experience in the past that a man who has not had a pre-induction physical could be inducted? Speaking of 1967. A. State that again, sir.

Q. If a man did not have a pre-induction physical examination, could he be inducted? A. As a delinquent?

The Court: Or as a volunteer.

The Witness: As a volunteer. Volunteer waives all rights of appeal periods, of physical, they are

ordered for physical—ordered for induction without a physical. They are given a physical the day they report for induction.

Q. Mr. Davis was not a volunteer; was he? A. Not at any time.

Q. So aside from him being categorized as delinquent, is it your experience he would have been inducted without his pre-induction physical if he were not classified as a delinquent? A. A delinquent when they are ordered they are given a physical the date they report for induction.

Q. I understand that. What I am asking is had Mr. Davis not been declared a delinquent would he have been inducted without his pre-induction physical? [50] A. Well, no.

The Court: They get the physical before they are inducted?

The Witness: If he had reported for his physical and been determined acceptable, therefore then he would have been on the regular order of call.

The Court: I think what you mean is ordered for induction. That's a different thing from induction.

By Mr. Kallen:

Q. I am sorry, let me rephrase.

Had Mr. Davis not been declared a delinquent, would he have been ordered for induction without his pre-induction physical? A. No, he would not. His acceptability has to be determined to know whether to order him for induction.

Q. In your experience in 1967 a man who did not receive a DD62 Form statement of acceptability would be inducted unless he were delinquent? Would a man who has not received a DD62 Form be inducted— A. There are many factors the way you are stating that. We mail the DD62. If he didn't receive it it wasn't returned to the Local Board—I mean, there are many things that could cover that. I wouldn't flatly say yes or no.

Q. Let me clarify that. If a DD62 had not [51] been sent to a man, would he be ordered for induction if he were not a delinquent? A. What reason would there be for not mailing the DD62?

Q. One possible reason is that he might not take the physical. A. There wouldn't be a DD62 issued. They are issued by the Armed Forces Examining and Induction Station and they are returned to the Local Board. So if he did not report for induction they could not issue a DD62.

Q. Is it your experience that if a DD62 was not issued a man would be ordered for induction unless he were a delinquent? A. No, he couldn't be—he would be declared delinquent.

Q. Absent any declaration of delinquency he would not be inducted unless a DD62 had been issued; is that correct?

The Court: Unless he is a volunteer.

Mr. Kallen: I am sorry.

Q. Unless a man were a volunteer and unless a man had been issued or the Armed Forces Examining Station had issued a DD62 Form, would a man be inducted other than a delinquent? A. Other than a delinquent, no.

• • • • •

Oral Findings of District Court After Remand Hearing February 2, 1971

[Caption Omitted in Printing]

Included in Petition for Certiorari at 2a-6a.

District Court's Findings of Fact and Conclusions of Law After Remand

March 16, 1971

[Caption Omitted in Printing]

Included in Petition for Certiorari at 7a-10a.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

[Caption Omitted in Printing]

August 12, 1971

Second Court of Appeals Opinion, 447 F.2d 1376 (Davis II)

Included in Petition for Certiorari at 11a.

Order of Court of Appeals Denying Rehearing September 13, 1971

[Caption Omitted in Printing]

Included in Petition for Certiorari at 12a.

SUPREME COURT OF THE UNITED STATES

No. 71-661

[Caption Omitted in Printing]

February 22, 1972

Order Denying Certiorari

Included in Petition for Certiorari at 13a.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

[Caption Omitted in Printing]

May 22, 1972

Order Denying Out of Time Petition for Rehearing *En Banc*

Included in Petition for Certiorari at 14a.

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

Honorable A. Andrew Hauk, Judge Presiding

Case No. 3207—Criminal

[Caption Omitted in Printing]

June 5, 1972

Reporter's Transcript of Proceedings Denying Petitioner's Motion Under 28 U.S.C. §2255

Included in Petition for Certiorari at 15a-17a.

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

No. 72—2438

[Caption Omitted in Printing]

December 26, 1972

Third Court of Appeals Opinion, 472 F.2d 596 (Davis III)

Included in Petition for Certiorari at 18a-19a.

Material From Defendant's Selective Service File Admitted as Part of Exhibit 1 in Original Trial in District Court

Selective Service File—Minutes of Action

(Registrant Will Make No Entries on This Page)

Dates	Minutes of Actions by Local Board and Appeal Board and on Appeal to the President	Var. Ver. No.
FEB 3 1965	1A	1A
FEB 3 1965	Form 110 Mailed	
FEB 16 1965	SSS Form 223 mailed for physical on MAR 4 1965	
3-25-65	SSS Form 225 dtd 3-17-65 shows failed to report for Pre-	
JUL 29 1965	SSS FORM 127 MAILED	
SEP 19 1965	SSS Form 223 mailed for physical on OCT 8 1965	
10/22/65	Papers returned - failed to report for physical	
12/6/65	Mailed Cal Form 301	
2 1966	SSS form 127 Mailed	
1966	N. A. Smith	
5/4/66	SSS Form 888 sld to reg. cc to SSO	
FEB 21 1967	SSS Form 252 mailed for Induction on MAR 7 1967 PAPERS RET - FL/PSH	
MAR 17 1967	File sent to SSO	
Apr 4, 1967	File returned from SSO.	
APR 10 1967	SSS Form 252 mailed for Induction on From JUL 11 1967 as dd	
6-3-67	SSS Form 150 issued to registrant	
JUN 15 1967	File sent to SSO —10-25-67 File ret'd from SSO.	
11-6-67	SSS FORM 301 sld to US ATTORNEY, CC SSO	
11/22/67	File forwarded to Southern Area Hqs. for prosecutive study	
	Lacy Sutherland (Davis) 936-0432	

(Continue on Page 7)

Selective Service File—Delinquency Warning

Approved By The Director
of Selective Service

Mailed April 6, 1966
to
3281 Main
Los Angeles, Calif.

SELECTIVE SERVICE SYSTEM
STATE OF CALIFORNIA
DELINQUENCY WARNING

Local Board No. 101
Los Angeles County
1301 Eastwood Blvd.
Los Angeles Calif 90.24
(Local Board Stamp)

December 6, 1965
(Date of Mailing)

Selective Service No.			
4	301	46	826

To Joseph (First) Anthony (Middle) DAVIS (Last)

Address P.O.Box 46-243
(Street and Number or RFD Route)

Los Angeles (City, Town, or Village) (County) Calif. (State) 90046 (Zip Code)

1. You are hereby notified that this Local Board is considering declaring you to be a delinquent because of your failure to perform the following duty or duties required of you under the selective service law:

Failed to report for Armed Services physical examination on October 8, 1965.

2. You are hereby directed to report to this Local Board immediately in person or by mail, or to take this notice to the Local Board nearest you for advice as to what you should do.

3. Your willful failure to perform the foregoing duty or duties is a violation of the Universal Military Training and Service Act, as amended, and such failure may result in your being declared delinquent. A delinquent registrant loses his eligibility for deferment and may be placed in a class immediately available for service. He is ordered for induction ahead of other registrants.

4. This Local Board may excuse your delinquency status if it finds that the reason for noncompliance was not willful and you comply. In any event, this document becomes part of your permanent Selective Service file and should such delinquency be excused any further noncompliance on your part could result in your immediate induction.

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Emilie W. Chapman
(Member or Clerk of Local Board)
Emilie W. Chapman, Clerk

(SSS Form 304)

Selective Service File—Delinquency Notice

SELECTIVE SERVICE SYSTEM

DELINQUENCY NOTICE

May 4, 1966
(Date Became Delinquent)

May 4, 1966
(Date of Mailing)

Local Board No. 101
Los Angeles County
1301 Westwood Blvd.
Los Angeles, Calif. 90024
(Local Board Stamp)

SELECTIVE SERVICE NO.			
4	101	46	828

To Joseph (First) Anthony (Middle) Davis (Last)

Address 3781½ Manlo
(Street and Number or RFD Route)

Los Angeles (City, Town, or Village) L.A. (County) California (State)

1. You are hereby notified that this Local Board has declared you to be a delinquent because of your failure to perform the following duty or duties required of you under the selective service law:

Failed to report for Armed Forces Physical Examination Oct. 8, 1965.
Failed to keep Local Board informed of current address.

2. You are hereby directed to report to this local board immediately, either in person or by mail.

3. Your willful failure to perform the foregoing duty or duties is a violation of the Universal Military Training and Service Act, as amended, which is punishable by imprisonment for as much as 5 years or a fine of as much as $10,000, or by both such fine and imprisonment.

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W. X. [illegible] (Member or Clerk of Local Board)

(See Instructions on Reverse Side)

Selective Service File—1st Order to Report for Induction

Approval Not Required.

SELECTIVE SERVICE SYSTEM

ORDER TO REPORT FOR INDUCTION

SELECTIVE SERVICE
RECEIVED
LOCAL BOARD GROUP "C"
FEB 23 1967

Local Board No. 101
Los Angeles County
1301 Westwood Blvd.
Los Angeles, Calif. 90024
(Local Board Number)

The President of the United States,

To

Joseph Anthony Davis
3781½ Petlo Avenue
Los Angeles, California 90007

1301 WESTWOOD BLVD
LOS ANGELES, CALIF. 90024

February 21, 1967
(Date of mailing)

SELECTIVE SERVICE NO.			
4	101	46	928

L-A

GREETING:

You are hereby ordered for induction into the Armed Forces of the United States, and to report
L.A. EXAMINING AND INDUCTION STATION
1033 S. Broadway, Los Angeles, Calif.
(Place of reporting)

on MAR 7 1967 (Date) at 7:30 A.M. (Hour)

for forwarding to an Armed Forces Induction Station.

E. M. Bishop
(Member or clerk of local Board)
E.M. Bishop

IMPORTANT NOTICE
(Read Each Paragraph Carefully)

IF YOU HAVE HAD PREVIOUS MILITARY SERVICE, OR ARE NOW A MEMBER OF THE NATIONAL GUARD OR A RESERVE COMPONENT OF THE ARMED FORCES, BRING EVIDENCE WITH YOU. IF YOU WEAR GLASSES, BRING THEM. IF MARRIED, BRING PROOF OF YOUR MARRIAGE. IF YOU HAVE ANY PHYSICAL OR MENTAL CONDITION WHICH, IN YOUR OPINION, MAY DISQUALIFY YOU FOR SERVICE IN THE ARMED FORCES, BRING A PHYSICIAN'S CERTIFICATE DESCRIBING THAT CONDITION, IF NOT ALREADY FURNISHED TO YOUR LOCAL BOARD.

Valid documents are required to substantiate dependency claims in order to receive basic allowance for quarters. Be sure to take the following with you when reporting to the induction station. The documents will be returned to you. (a) FOR LAWFUL WIFE OR LEGITIMATE CHILD UNDER 21 YEARS OF AGE—original, certified copy or photostat of a certified copy of marriage certificate, child's birth certificate, or a public or church record of marriage issued over the signature and seal of the custodian of the church or public records; (b) FOR LEGALLY ADOPTED CHILD—certified court order of adoption; (c) FOR CHILD OF DIVORCED SERVICE MEMBER (Child in custody of person other than claimant)—(1) Certified or photostatic copies of receipts from custodian of child evidencing serviceman's contributions for support, and (2) Divorce decree, court support order or separation order; (d) FOR DEPENDENT PARENT—affidavits establishing that dependency.

Bring your Social Security Account Number Card. If you do not have one, apply at nearest Social Security Administration Office. If you have life insurance, bring a record of the insurance company's address and your policy number. Bring enough clean clothes for 3 days. Bring enough money to last 1 month for personal purchases.

The Local Board will furnish transportation, and meals and lodging when necessary, from the place of reporting to the induction station where you will be examined. If found qualified, you will be inducted into the Armed Forces. If found not qualified, return transportation and meals and lodging when necessary, will be furnished to the place of reporting.

You may be found not qualified for induction. Keep this in mind in arranging your affairs, to prevent any undue hardship if you are not inducted. If employed, inform your employer of this possibility. Your employer can then be prepared to continue your employment if you are not inducted. To protect your right to return to your job if you are not inducted, you must report for work as soon as possible after the completion of your induction examination. You may jeopardize your employment rights if you do not report for work at the beginning of your next regularly scheduled working period after you have returned to your place of employment.

Willful failure to report at the place and hour of the day named in this Order subjects the violator to fine and imprisonment. Bring this Order with you when you report.

If you are so far from your own local board that reporting in compliance with this Order will be a serious hardship, go immediately to any local board and make written request for transfer of your delivery for induction, taking this Order

(Revised 4-30-52) (Previous printings may be used until exhausted.)

Selective Service File—2nd Order to Report for Induction

SELECTIVE SERVICE SYSTEM

ORDER TO REPORT FOR INDUCTION

DELINQUENT

Local Board No. 101
Los Angeles County
1701 Westwood Blvd.
Los Angeles, Calif. 90024
(Local Board Address)

June 20, 1967
(Date of mailing)

SELECTIVE SERVICE NO.			
4	101	46	828

The President of the United States,

To

Joseph Anthony Davis
868 Carroll Avenue
St. Paul, Minnesota

GREETING:

You are hereby ordered for induction into the Armed Forces of the United States, and to report
to L.A. Examining and Entrance Station
1033 S. Broadway, Los Angeles, Calif.
(Place of reporting),

on July 11, 1967 (Date) at 7:30 A. M. (Hour)

for forwarding to an Armed Forces Induction Station.

W. H. Bishop (Member or Clerk of Local Board)

IMPORTANT NOTICE
(Read Each Paragraph Carefully)

IF YOU HAVE HAD PREVIOUS MILITARY SERVICE, OR ARE NOW A MEMBER OF THE NATIONAL GUARD OR A RESERVE COMPONENT OF THE ARMED FORCES, BRING EVIDENCE WITH YOU. IF YOU WEAR GLASSES, BRING THEM. IF MARRIED, BRING PROOF OF YOUR MARRIAGE. IF YOU HAVE AN PHYSICAL OR MENTAL CONDITION WHICH, IN YOUR OPINION, MAY DISQUALIFY YOU FOR SERVICE IN THE ARMED FORCES, BRING A PHYSICIAN'S CERTIFICATE DESCRIBING THAT CONDITION, IF NOT ALREADY FURNISHED TO YOUR LOCAL BOARD.

Valid documents are required to substantiate dependency claims in order to receive basic allowance for quarters. I
e to take the following with you when reporting to the induction station. The documents will be returned to you. (a)
FOR LAWFUL WIFE OR LEGITIMATE CHILD UNDER 21 YEARS OF AGE—original, certified copy or photostat of
certified copy of marriage certificate, child's birth certificate, or a public or church record of marriage issued over the
nature and seal of the custodian of the church or public records; (b) FOR LEGALLY ADOPTED CHILD—certified
order of adoption; (c) FOR CHILD OF DIVORCED SERVICE MEMBER (Child in custody of person other than this
ant)—(1) Certified or photostatic copies of receipts from custodian of child evidencing serviceman's contributions for
port, and (2) Divorce decree, court support order or separation order; (d) FOR DEPENDENT PARENT—affida
establishing that dependency.

Bring your Social Security Account Number Card. If you do not have one, apply at nearest Social Security Administration Office. If you have life insurance, bring a record of the insurance company's address and your policy number. Bring enough clean clothes for 3 days. Bring enough money to last 1 month for personal purchases.

This Local Board will furnish transportation, and meals and lodging when necessary, from the place of reporting to the induction station where you will be examined. If found qualified, you will be inducted into the Armed Forces. If found not qualified, return transportation and meals and lodging when necessary, will be furnished to the place of reporting.

You may be found not qualified for induction. Keep this in mind in arranging your affairs, to prevent any substantial hardship if you are not inducted. If employed, inform your employer of this possibility. Your employer can then be prepared to continue your employment if you are not inducted. To protect your right to return to your job if you are not inducted, you must report for work as soon as possible after the completion of your induction examination. You may jeopardize your reemployment rights if you do not report for work at the beginning of your next regularly scheduled working period after you have returned to your place of employment.

Willful failure to report at the place and hour of the day named in this Order subjects the violator to fine and imprisonment. Bring this Order with you when you report.

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If you are so far from your own local board that reporting in compliance with this Order will be a serious hardship, go immediately to any local board and make written request for transfer of your delivery for induction, taking this Order

SSS Form 252 (Revised 6-30-67) (Previous printings may be used until exhausted.)

Exhibit 2 in Remand Hearing
Local Board No. 101

November 1966 Delivery Lists

Local Board No. 101
Los Angeles County
1391 Westwood Blvd.
Los Angeles, Calif. 90024
(Address: Number, Street)

SELECTIVE SERVICE SYSTEM

DELIVERY LIST

(Prepare in Quintuplicate)

Sheet No. 1 of 2 sheets

November 15, 1966
(Date of delivery)

Call No. 197

Induction period November, 1966
(Month)

To: COMMANDING OFFICER, ARMED FORCES INDUCTION STATION

The registrants herein listed, except as otherwise noted, have been selected for service by this local board and were forwarded on Nov. 15, 1966 (Date) by Private carrier (Name of carrier) to report to you for induction.

Number called for	21	Number listed on transfer in	18
Number listed from this board	21	Total number forwarded	

(1) SELECTIVE SERVICE NO.				(2) NAME (Last)	(First)	(Middle Initial)	(3) Not Previously Found Qualified	(4) DISPOSITION: Inducted: Army	Navy	Air Force	Marine Corps	Found Not Qualified	Failed To Report	Other	(5) REMARKS
1	4	101	48	113	WAYNE,	Michael	D.	X							
2	4	101	47	1100	HALLIDE,	Harry	L.						X		
3	4	101	42	583	KIESAN,	William	H.						X		Ent
4	4	101	43	238	REEGOLTZ,	Ronald	X.	X							
5	4	101	43	406	KIROSZ,	Gary	S.	X							
6	4	101	44	102	GORDON,	Hillard	W.						X		Cancelled
7	4	101	44	281	POLLARD, JR.	Julius	-						X		Postponed Dec.
8	4	101	44	334	WEBB,	James	J.						X		Postponement
9	4	101	44	836	HOKEL,	Jeffrey	A.	X							Postponement received
10	4	101	44	870	TAK,	Kay	Y.	X							
11	4	101	45	111	FIKE,	Stuart	A.	X							
12	4	101	45	305	JACOBS,	Joseph	-						X		PHYSICAL REJECT
13	4	101	45	496	ICHIKOTSUBO,	Howard	T.	X							
14	4	101	45	811	WALKER,	Charles	Z.								Postponed
15	4	101	46	116	WIRD,	Ronald	J.								PENDING CIVIL OFFENSE

Totals (Enter on last sheet only)

Emily W. Chapman
(Signature of clerk or member of local board)

Oct. 28, 1966
(Date of preparation)

(Signature of C. O. AFIS)

(Grade and organization)

23 NOV 1966
(Date of return to local board)

Local Board No. 101

November 1966 Delivery Lists—*Continued*

Local Board No. 101
Los Angeles County
1301 Westwood Blvd.
Los Angeles, Calif. 90024

SELECTIVE SERVICE SYSTEM
DELIVERY LIST

Sheet No. 2 of 2 sheets

November 15, 1966

4	101	46	299	WILLIAMS,	Gregory	B.										X		Cancelled
4	101	46	289	[illegible]	John	H.									X			
4	101	46	516	JENKINS,	Willie	Lee												Postponed
4	101	46	738	[illegible]	Richard	I.												Cancelled
4	101	46	788	[illegible]	General	A.									X			
4	101	46	895	[illegible]	Leonard	—										X		[illegible]

Totals (Enter on last sheet only)

Emilie V. Chapman
Emilie V. Chapman
Oct. 28, 1966

23 NOV 1966

Exhibit 3 in Remand Hearing
Local Board No. 101
March 1967 Delivery Lists

Local Board No. 101
Los Angeles County
[illegible] Kenwood Blvd.
[illegible], Calif. 90024

SELECTIVE SERVICE SYSTEM

DELIVERY LIST

(Prepare in Quintuplicate)

Sheet No. 1 of 1 sheets

March 7, 1967
(Date of delivery)

Call No. Supplemental 201

Induction period March
(Month)

To: COMMANDING OFFICER, ARMED FORCES INDUCTION STATION

The registrants herein listed, except as otherwise noted, have been selected for service by this local board and were forwarded on March 7, 1967 (Date) by Private Carrier (Name of carrier) to report to you for induction.

Number called for		Number listed on transfer in	
Number listed from this board	4	Total number forwarded	4

(a)	(b) SELECTIVE SERVICE NO.				(c) ORDERED FOR IMMEDIATE INDUCTION AS DELINQUENTS REGISTRANTS NAME (Last) (First) (Middle Initial)		(d) Not Processed (Reason Required)	(e) DISPOSITION: Inductions: Army	Navy	Air Force	Marine Corps	Transferred	Failed To Report	Held Over	(f) REMARKS
1	4	101	46	828	DAVIS,	Joseph	A.						X		ret to class
2	4	101	47	295	APPELBAUM,	Micky	J.					X			PHYSICAL REEX. 7-V
3	4	101	47	454	TAVARES,	Donald	G.						X		ret to class
4	4	101	47	615	WHITTAKER,	Craig	S.								Walkout
5															
6															
7															
8															
9															
10															
11															
12															
13															
14															
15															

RECEIVED
LOCAL BOARD GROUP "C"
MAR 14 1967
1301 WILSHIRE BLVD.
LOS ANGELES, CALIF. 90024

Totals (Enter on last sheet only)

[signature] Chairman
(Signature of clerk or member of local board)
February 21, 1967
(Date of preparation)

J. JAMES [illegible] U. S. AFSS
1 LT. USAF

13 MAR 1967
(Date of return to local board)

Local Board No. 101

March 1967 Delivery Lists—*Continued*

Local Board No. 101
Los Angeles County
1301 Westwood Blvd.
Los Angeles, Calif. 90024

(Local Board Stamp)

SELECTIVE SERVICE SYSTEM

DELIVERY LIST

(Prepare in Quintuplicate)

Sheet No. 1 of 2 sheets

March 7 1967
(Date of delivery)

Call No. 201

Induction period March 1967
(Month)

TO: COMMANDING OFFICER, ARMED FORCES INDUCTION STATION

The registrants herein listed, except as otherwise noted, have been selected for service by this local board and were forwarded on March 7 1967 (Date) by Private Carrier (Name of carrier) to report to you for induction.

Number called for 30	Number listed on transfer in .....
Number listed from this board 31	Total number forwarded 18

	(1) SELECTIVE SERVICE NO.				(2) NAME (Last) (First) (Middle Initial)		(3) Host Performed Peace Quadrant	(4) DISPOSITION: Inducted Army	Air Force	Marine Corps	Postponed Until (Date)	Failed To Report	Held Over	(5) REMARKS
V_1	4	101	47	862	MC ELROY, Tyrone	K.		X						
V_2	4	101	47	927	JIMERSON, Michael	J.		X						
3	4	101	43	681	FINESTONE, William	B.								Postponed
4	4	101	43	881	CLARK, Frederick	S.		X						
5	4	101	43	929	MYRIE, Hersan	O.								Postponed
6	4	101	44	54	NEDHAM, John	A.		X						
7	4	101	44	382	KAPLAN, Harvey	R.						X		am'd 3-9 Postponed left th. prty
8	4	101	44	503	LIBKIND, Peter	O.		X						
9	4	101	44	588	KAWAMOTO, Toshiyuki	-								Postponed
10	4	101	44	719	DICKENS, Barry	J.								POSTPONED
11	4	101	45	210	HOLMES, Von	E.						X		
12	4	101	45	270	SILBERT, Stanley	M.								Postponed
13	4	101	45	306	CASTANEDA, JR. Anthony	-								Postponed
14	4	101	45	495	ROBBINS, Gary	J.		X						
15	4	101	45	830	DAVIS, Ronald	C.								Postponed

Totals (Enter on last sheet only)

RECEIVED
LOCAL BOARD NO. 101

Emilie W. Chapman
(Emilie W. Chapman, Clerk or member of local board)

February 21 1967
(Date of preparation)

MAR 14 1967

C. JAMES
(Signature of C.O. AFEES)

1301 Westwood Blvd. Los Angeles, Calif. 90024
(Grade and organization)

13 March 1967
(Date of return to local board)

SSS Form No. 261 (Revised 2-10-53)
(Printing of 6-12-52 may be used)

Local Board No. 101

March 1967 Delivery Lists—*Continued*

Local Board No. 101
Los Angeles County
1301 Westwood Blvd.
Los Angeles, Calif. 90024

SELECTIVE SERVICE SYSTEM
DELIVERY LIST
CONTINUATION SHEET
(Prepare in Quintuplicate)

Sheet No. 2 of 2 sheets

March 7 1967
(Date of Delivery)

(1) SELECTIVE SERVICE NO.				(2) NAME (Last) (First) (Middle Initial)		(3) Not Previously Process Qualified	(4) DISPOSITION Inducted: Army	Navy	Air Force	Marine Corps	Found Not Qualified	Failed To Report	Held Over	(5) REMARKS
4	101	45	868	SHAW, Artie L.			X							
4	101	45	868	SEAWELL, Joseph W.			X							
4	101	46	39	BRUCKER, Earl W.										POSTPONED 1-A(O)
4	101	46	56	ROSE, Steven R.										POSTPONED Prev. Postponed
4	101	46	313	WASHINGTON, Ronald E.										Postponed
4	101	46	316	FREIMUTH, John S.										Postponed
4	101	46	355	OWENS, Rodney B.										POSTPONED
4	101	46	360	FORT, Weldon J.									X	[illegible]
4	101	46	495	ROTH, John L.								X		PHYSICAL REJECT 4X – [illegible]
4	101	46	600	PARENTO, David E.										Postponed
4	101	46	523	KATSUNO, Bruce										Postponed
4	101	46	526	NAKAYA, Raymond K.			X							
4	101	46	715	BEVERLY, Daniel W.			X							
4	101	46	903	WEBSTER, Leon										Postponed
4	101	46	913	GREENE, JR., Milton L.									X	[illegible]
4	101	46	1028	WAGNER, Jack										POSTPONED [illegible]

Totals (Enter on last sheet only)

RECEIVED
LOCAL BOARD
MAR 14 1967

Phillip McClapmen
(Signature of person making delivery or member of local board)

February 21 1967
(Date of preparation)

1301 Westwood Blvd.
Los Angeles, Calif. 90024

J. JANES
(Signature of person receiving)
LT. USN
(Title)

13 MAR 1967
(Date of return to local board)

Exhibit 4 in Remand Hearing
Local Board No. 101

July 1967 Delivery Lists

Local Board No 101
Los Angeles County
1301 Westwood Blvd
Los Angeles, Calif. 90024
(Local Board Stamp)

SELECTIVE SERVICE SYSTEM

DELIVERY LIST

(Prepare in Quintuplicate)

DELINQUENTS

Sheet No. 1 of 1 Sheets

July 11, 1967
(Date of delivery)

Call No. 205

Induction period July 1967
(Month)

TO: COMMANDING OFFICER, ARMED FORCES INDUCTION STATION

The registrants herein listed, except as otherwise noted, have been selected for service by this local board and were forwarded on 7-11-67 (Date) by Private Carrier (Means of carrier) to report to you for induction.

Number called for	
Number listed from this board	3
Number listed on transfer in	
Total number forwarded	3

	(1) SELECTIVE SERVICE NO.				(2) NAME (Last)	(First)	(Middle Name)	(3) Has Previously Passed Qualifying	(4) DISPOSITION: Induction: Army	Navy	Air Force	Marine Corps	Postponement Requested	Failure To Report	Other	(5) REMARKS
1	4	101	46	828	DAVIS,	JOSEPH	A.	X						X		
2	4	101	47	248	ROSS,	RICHARD	A.							X		PHYSICAL REJECT
3	4	101	47	771	ESPOSITO,	ELIAS	-	X						X		
4																
5																
6																
7																
8																
9																
10																
11																
12																
13																
14																
15																

RECEIVED
LOCAL BOARD GROUP No. 4
JUL 20 1967
1301 Westwood Blvd
Los Angeles, Calif. 90024

Totals (Enter on last sheet only)

Emilie W. Chapman
(Signature of clerk [illegible] local board)
Emilie W. Chapman
June 20, 1967
(Date of preparation)

LELAND [illegible]
(Grade and organization)
2LT, ACC
19 JUL 1967
(Date of return to local board)

Local Board No. 101

July 1967 Delivery Lists—*Continued*

Local Board No. 101
Los Angeles County
1301 Westwood Blvd.
Los Angeles, Calif. 90024
(Local Board Number)

SELECTIVE SERVICE SYSTEM

DELIVERY LIST

(Prepare in Quintuplicate)

Sheet No. 1 of 3 sheets (Appended list required.)

July 11, 1967
(Date of delivery)

Call No. 205

Induction period _____ (Month)

TO: COMMANDING OFFICER, ARMED FORCES INDUCTION STATION

The registrants herein listed, except as otherwise noted, have been selected for service by this local board and were forwarded on 7-11-67 (Date) by Private Carrier (Means of carrier) to report to you for induction.

Number called for	46	Number listed on transfer in	
Number listed from this board	46	Total number forwarded	38

(1) SELECTIVE SERVICE NO.				(2) NAME (Last)	(First)	(Middle Name)	(3) Not Previously Form Qualified	(4) DISPOSITION Induction: Army	Navy	Air Force	Marine Corps	Found Not Qualified	Failed To Report	Held Over	(5) REMARKS
1	4	101	44	542	SOBOL,	BRUCE	I. ✓	X							
2	4	101	45	226	BARBER, JR.	LEO	- ✓						X		Enl.
3	4	101	46	520	MARTINEZ, JR.	THOMAS	-	X							
4	4	101	42	247	ITO,	TAKESHI	R. ✓	X							
5	4	101	42	577	MITTELBACH,	GARY	C.					X			PHYSICAL REJECT 7/67 Prev. Postponed
6	4	101	42	608	LEE,	WILLIAM	J.					X			PHYSICAL REJECT 7/67
7	4	101	42	705	SCOTT,	ROBERT	D.					X			PHYSICAL REJECT Prev. Postponed
8	4	101	43	51	BARNWELL,	JOHN	C.								Postponed
9	4	101	43	412	CHALFIN,	MAX	L.								Cancelled
10	4	101	43	567	STANDARD,	ROBERT	RECEIVED LOCAL BOARD C.O. JUL 20 1967								Postponed
11	4	101	45	218	DURHAM,	MICHAEL	JUL 20 1967								Cancelled
12	4	101	45	453	MERCHASIN,	PAUL	1301 Westwood Boulevard Los Angeles, Calif. 90024								Postponed
13	4	101	45	538	KAUFAN,	MICHAEL	A.								Postponed
14	4	101	45	735	WERTKIN,	STUART	S. ✓	X							
15	4	101	46	743	KOSBERG,	MICHAEL	I.								Postponed
					Totals (Enter on last sheet only)										

Emilie W. Chapman
Ila W. Chapman (Signature of clerk or member of local board)

June 23, 1967
(Date of preparation)

LELAND I. PLEDGER
(Signature of C. O. AFSS)
2LT, AGC
(Grade and organization)

19 JUL 1967
(Date of return to local board)

Form No. 201 (Revised 2-15-67) May be used

Local Board No. 101

July 1967 Delivery Lists—*Continued*

Local Board No 101
Los Angeles County
1301 Westwood Blvd
Los Angeles, Calif. 90024

SELECTIVE SERVICE SYSTEM
DELIVERY LIST
CONFIRMATION SHEET
(Prepare in Quintuplicate)

Sheet No. 2 of 3 sheets
July 11, 1967

(1) SELECTIVE SERVICE NO.				(2) NAME (Last)	(First)	(Middle Initial)	(3) Not Previously Found Qualified	(4) DISPOSITION Inducted: Army	Navy	Air Force	Marine Corps	Found Not Qualified	Failed To Report	Held Over	(5) REMARKS
4	101	45	759	JONES,	ALLEN	O.	✓								Cancelled
4	101	46	199	HELTOND,	WAYNE	E.	✓	X							
4	101	46	242	SHAW,	DAVID	E.	✓	X							
4	101	46	863	HICE,	HARVEY	J.	/								Cancelled
4	101	47	105	BOWE,	RONALD	L.	✓								Cancelled
4	101	47	122	YOUNGMAN,	HARVEY	-	✓						X		Enl
4	101	47	125	KIZRAHI,	DAVID	-	✓	AR PENDING CIVIL OFFENSE CHARGE ACTION							
4	101	47	128	ASATO,	KENNETH	F.	✓	X							
4	101	47	173	PENA,	JOSE	-	✓	X					X		
4	101	47	261	WALKER, JR.	ELMER	W.							X		
4	101	47	299	YASUDA,	KOSETS	S.	✓	X							
4	101	47	328	HARDIN,	ROGER	K.	✓						X		Enl
4	101	47	338	NUNES,	GREGORY	C.	✓								Postponed
4	101	47	350	McFRAZIER,	JOSEPH	R.	✓						X		Enl
4	101	47	379	CROWLEY,	OLLIE	C.	✓						X		Enl
4	101	47	424	PALMER,	DAVID		✓								Postponed
4	101	47	467	KIDD,	RONALD	E.	✓	X							
4	101	47	486	FUTAMI,	GEORGE	H.	✓	X							

LOCAL BOARD GROUP NO. JUL 20 1967 1301 Westwood Blvd Los Angeles, Calif. 90024

Totals (Enter on last sheet only)

Emilie V. Chapman
Signature of member of local board
June 23, 1967
(Date of transmittal)

LELAND I. PFEDGER, Lt. AGC
Signature of U.S. Armed Forces member
19 JUL 1967
(Date of return to local board)

Local Board No. 101

July 1967 Delivery Lists—*Continued*

Local Board No 101
Los Angeles County
1200 Westwood Blvd
Los Angeles, Calif 90024
(Area, Route, Route)

SELECTIVE SERVICE SYSTEM
DELIVERY LIST
CONTINUATION SHEET
(Prepare in Quintuplicate)

Sheet No. 3 of 3 sheets
July 11, 1967
(Date of Delivery)

Approved
(OMB Approval)

(1) SELECTIVE SERVICE NO.	(2) NAME (Last) (First) (Middle Initial)	(3) Has Previously Been Qualified	(4) DISPOSITION Inducted: Army	Navy	Air Force	Marine Corps	Found Not Qualified	Failed To Report	Held Over	(5) REMARKS
4 101 47 516	ECHEVERRIA, HERMAN R.	✓						X		
4 101 47 539	JOHNSON, OTIS L.	✓	X							
4 101 47 547	VEGA, ROBERT -	✓	X							
4 101 47 562	WATSUDA, MASAMI R.	✓	X							
4 101 47 574	WYCOFF, STEVEN G.	✓	X AG PENDING CIVIL OFFENSE X WAIVER ACTION							Rec
4 101 47 588	CHASE, JAMES D.	✓						X		Earl
4 101 47 589	NELSON, ALLEN J.	✓								Cancelled
4 101 47 602	HADDOCK, ERNEST E.	✓						X		PHYSICAL REJECT 19 JUL 67
4 101 47 607	GIMPEL, STEPHEN P.	✓						X		Gd
4 101 47 614	SCHMARTZ, HOWARD L.	✓								Postponed
4 101 47 629	CHRISTOPHER, JR. ODELL -	✓	X							
4 101 47 630	FALKNER, MICHAEL A.	✓	X							
4 101 47 643	HARDING, JERRY'S L.	✓	X							

RECEIVED
LOCAL BOARD NO. 101
JUL 20 1967
1200 Westwood Blvd
Los Angeles, Calif. 90024

Totals (Enter on last sheet only)

Dallie W. Chapman
(Signature of clerk or member of local board) Dallie W. Chapman

June 23, 1967
(Date of transmittal)

LELAND J. GREGET, O. AF281
2LT. AGC
(Grade and organization)

15 JUL 1967
(Date of return to local board)

Supreme Court of the United States

No. 72-1454

Joseph Anthony Davis,

Petitioner

v.

United States

ORDER ALLOWING CERTIORARI. Filed November 5 ----------, 19 73.

The petition herein for a writ of certiorari to the United States Court of Appeals for the Ninth ---------- Circuit is granted.